




Speech By
Hon. Grace Grace

MEMBER FOR MCCONNEL

Record of Proceedings, 12 August 2020

**WORKERS' COMPENSATION AND REHABILITATION AND OTHER
LEGISLATION AMENDMENT BILL**

Introduction

 **Hon. G GRACE** (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (11.47 am): I present a bill for an act to amend the Workers' Compensation and Rehabilitation Act 2003 and the Workers' Compensation and Rehabilitation Regulation 2014 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Education, Employment and Small Business Committee to consider the bill.

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020 [[1328](#)].

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020, explanatory notes [[1329](#)].

Tabled paper: Workers' Compensation and Rehabilitation and Other Legislation Amendment Bill 2020, statement of compatibility with human rights [[1330](#)].

Our first responders play an incredibly important role in protecting and serving our Queensland community. We have all marvelled at the work they have done in confronting some of Australia's biggest challenges in recent times, from the terrible bushfires earlier this year to our ongoing battle against the COVID-19 pandemic. Each and every day our first responders are exposed to traumatic incidents that most of us could never imagine. Attending those types of incidents, whether it be one catastrophic event or a gradual build-up over many years, can take a toll on our first responders' mental health. That is captured well in Beyond Blue's 2018 survey *Answering the call*, which reported that workers compensation claim rates for first responders with mental health conditions or psychological injuries were 10 times higher than the adult Australian workforce.

Claiming workers compensation can be a daunting process when you have a mental health condition and, despite increasing awareness in our community about the impacts of mental health, many of our first responders are worried about the stigma of having a work related injury. Both the Beyond Blue survey and the 2019 Senate committee inquiry into the workers behind triple 0 observed an increased risk of experiencing conditions such as PTSD that suggest presumptive workers compensation laws as a way to positively impact on the workers compensation claims experience for first responders.

Against that backdrop I am proud to introduce this bill into the House today to provide presumptive workers compensation laws for our first responders and eligible employees of first responder departments diagnosed with post-traumatic stress disorder, or PTSD. Presumptive laws mean that those workers will no longer have to go through the added stress of having to prove their PTSD is a work related injury for their workers compensation claim to be accepted. Instead, by reversing the onus of proof it will be presumed that their PTSD was caused by their work on the front line, thereby providing first responders with easier and timelier access to necessary support and compensation without having to be put through sometimes stressful claims determination and investigation processes.

Importantly, presumptive laws do not create new or change any existing workers compensation entitlements but instead provide a different pathway for certain claims to access the scheme. To ensure appropriate coverage for those on the front line, first responders are defined in the bill as workers or volunteers who respond to time-critical and often life-threatening incidents. This includes police officers, ambulance officers and paramedics, firefighters including volunteers and rural fire brigade members, members of the State Emergency Service, corrective services officers, authorised officers within Child Safety and Youth Justice staff members, as well as doctors and nurses working in certain areas such as emergency and trauma care. It also includes workers performing corresponding roles in the private sector, such as paramedics working in the not-for-profit sector.

The bill also provides coverage for other eligible employees in first responder departments if they work in a role that exposes them to repeated or extreme details of traumatic incidents, for example, fire communications officers who provide advice in emergency situations or a worker whose employment requires them to investigate often horrific child sexual abuse cases. The bill covers both those workers who are physically on the scene and directly involved in responding to a traumatic situation and those whose work exposes them in another way to graphic details of traumatic incidents. The bill also provides for further occupations or employers to be added by regulation at a later date.

For the presumption to apply, the PTSD diagnosis must be certified by a psychiatrist. This requirement recognises the unique manner in which PTSD may present in first responders, particularly where there has been cumulative trauma, and will help to optimise treatment and rehabilitation.

To ensure first responders are not impeded in making a claim and are able to access support as soon as possible, if a first responder does not have a diagnosis from a specialist, the insurer will be responsible for arranging and funding one. Importantly, this does not prevent an insurer from accepting a PTSD claim based on a diagnosis by a doctor alone if they are satisfied that the injury is work related.

Under the bill, the presumption can be rebutted but only if there is evidence employment was not the cause of the PTSD; for example, if a psychiatrist certifies that a first responder's PTSD was caused by an accident outside of work. The presumption cannot be rebutted on the basis of reasonable management action.

The bill follows the work of a stakeholder reference group of first responders and first responder departments that I established in 2019 to consider these matters. I would like to thank all those involved in that group including the relevant government agencies, WorkCover and key unions—the Queensland Police Commissioned Officers' Union, the Queensland Police Union, Together Queensland, the United Workers Union and the United Firefighters Union of Queensland.

With this bill, Queensland is the first mainland state of Australia to take action to deem PTSD as a work related injury for first responders, following Tasmania and the Northern Territory, who introduced similar legislation in 2019 and 2020 respectively. It continues a proud record of the Palaszczuk government in protecting and advancing the rights of Queensland workers. The list of what we have done is long and includes paid pandemic leave, nation-first labour hire licensing laws, nation-first paid domestic and family violence leave, industrial manslaughter laws—the first state in Australia to do so—portable long service leave for community service workers, restoring the rights of injured workers to access common law damages, ensuring workers with CWP and other work related lung disease receive their full and just entitlements, and presumptive workers compensation laws for firefighters with specified forms of cancer. I am proud to add to that list today presumptive PTSD workers compensation laws for our first responders. Once again, this bill demonstrates that Labor and only Labor will deliver for Queensland workers.

First Reading

Hon. G GRACE (McConnel—ALP) (Minister for Education and Minister for Industrial Relations) (11.55 am): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Education, Employment and Small Business Committee

Mr DEPUTY SPEAKER (Mr McArdle): In accordance with standing order 131, the bill is now referred to the Education, Employment and Small Business Committee.